

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GILLIAN FILYAW, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

STEVE CORSI, Chief Executive Officer of the
Nebraska Department of Health and Human
Services, in his official capacity; and MATT
AHERN, Interim Director of the Division of
Medicaid and Long-Term Care, in his official
capacity,

Defendants.

4:24CV3108

**ORDER FOR RESPONSE TO
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

This case is now before the Court on Plaintiff's Motion for Temporary Restraining Order. [Filing 4](#). In that Motion, Plaintiff "requests an order restraining the Defendants from enforcing the unlawful and unconstitutional termination of Plaintiff's Medicaid eligibility without adequate notice, and affirmatively ordering that Plaintiff be prospectively reinstated in Medicaid coverage until Defendants provide adequate notice which includes an adequate reason for her termination that comports with constitutional due process." [Filing 4 at 1](#). In her Motion, Plaintiff also states the following:

14. Plaintiff's attorneys certify that upon filing this motion, Plaintiff's attorneys will contact Defendants' counsel, the Nebraska Attorney General on June 11, 2024 to inform them that Plaintiff's counsel filed this motion for temporary restraining order against Defendants. The Nebraska Attorney General's office can be reached at 402-471-2683. Plaintiff has no objection to a conference or hearing as soon as practicable on this motion.

15. If such a conference or hearing is not possible or unnecessary, Plaintiff requests that this Court issue a temporary restraining order as soon as practicable without further notice to the Defendants because, unless such an order is issued, Plaintiff will continue to suffer immediate and irreparable harm.

[Filing 4 at 4](#) (¶¶ 14–15).

After reviewing Plaintiff's Complaint, [Filing 1](#), Motion, [Filing 4](#), Brief, [Filing 5](#), and Index, [Filing 6](#), the Court concludes that the Motion can be resolved on written submissions without a conference or hearing. However, the Court will not resolve the Motion without a written response filed by Defendants. Accordingly,

IT IS ORDERED that

1. The Motion for Temporary Restraining Order, [Filing 4](#), will be resolved on written submission. Any party who believes that the presentation of a witness or witnesses, either by videoconference or by live testimony, is required must file a motion requesting an evidentiary hearing not later than 12:00 p.m. CDT on Tuesday, June 18, 2024, and must demonstrate good cause for presenting such witness or witnesses.

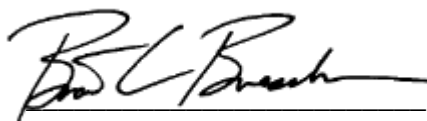
2. Not later than 12:00 p.m. CDT on Tuesday, June 18, 2024, Defendants shall file an opposition or other response to Plaintiff's Motion for Temporary Restraining Order, [Filing 4](#), with an index of any evidence or affidavits on which Defendants wish to rely.

3. The record does not reflect that Defendants have been properly served with a summons or with the Motion for Temporary Restraining Order, nor does it reflect that counsel has appeared on Defendants behalf. Consequently, Plaintiff must serve a copy of this Order with their Motion for Temporary Restraining Order, Brief, and Index on Defendants or their counsel. If Defendants are not served as required by 5:00 p.m. CDT on Thursday, June 13, 2024, Plaintiff

must notify the Court, and the deadline for Defendants' response will be extended. On the other hand, if Defendants are served with the summons or agree to appear voluntarily prior to the 5:00 p.m. deadline on June 13, 2024, that will satisfy the requirements of this paragraph, and the deadline for Defendants' response will remain 5:00 p.m. on June 18, 2024.

DATED this 13th day of June, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge